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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,754	01/22/2004	Behrouz Poustchi	3655/0275PUS2	5581
47827 7590 11/14/2007 MCGRATH, GEISSLER, OLDS & RICHARDSON, PLLC PO BOX 1364 FAIRFAX, VA 22038-1364			EXAMINER GAUTHIER, GERALD	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 11/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/762,754	Applicant(s) POUSTCHI ET AL.	
	Examiner Gerald Gauthier	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim(s) 1-57** are rejected under 35 U.S.C. 102(b) as being anticipated by Shtivelman et al. (US 6,320,951 B1).

Regarding **claim(s) 1, 14, 22, 27, 32, 44, 51 and 55-57**, Shtivelman discloses a network device adapted to process a call between the network device and a first other network device (column 1, lines 14-21), the network device comprising:

a user interface adapted to receive a user input requesting a call transfer to a second other network device (column 6, lines 27-34); and

a call transfer function responsive to the user input to deliver call transfer functionality by, upon receipt of the user input (column 6, lines 35-51):

a) initiating a connection from the network device to the second other network device (column 6, lines 52-67); and

b) sending a first message to the first other network device containing a reference to the second other network device (column 6, lines 52-67).

Regarding **claim(s) 2, 15, 23, 28, 33, 45 and 52**, Shtivelman discloses a network device wherein the call transfer function is further adapted to, upon receipt of the input: (c) send a second message to the first other network device to place the call on hold (column 6, lines 27-34).

Regarding **claim(s) 3, 16, 24, 29, 34, 46 and 53**, Shtivelman discloses a network device comprising a call processing module adapted to process the call, the call processing module comprising the call transfer function (column 6, lines 27-34).

Regarding **claim(s) 4, 17, 25, 30, 35, 47 and 54**, Shtivelman discloses a network device wherein the first message contains a reference to the connection (column 6, lines 27-34).

Regarding **claim(s) 5, 18, 26, 31, 36 and 48**, Shtivelman discloses a network device wherein the call transfer function is adapted to send the second message after a user at the network device hangs up or presses a transfer key (column 6, lines 52-67).

Regarding **claim(s) 6, 19, 37 and 49**, Shtivelman discloses a network device wherein the call processing module is adapted to terminate the call upon receiving a message from the first other network device, which represents that the first other network device has established a media path with the second other network device (column 6, lines 52-67).

Regarding **claim(s) 7, 20, 38 and 50**, Shtivelman discloses a network device wherein the call processing module is adapted to send the first message before or after a media path is established with the second other network device (column 6, lines 52-67).

Regarding **claim(s) 8, 21 and 39**, Shtivelman discloses a network device wherein the first message is sent upon receipt of a response from the second other network device and wherein upon receipt of the response from the second network device, and prior to sending the first message to the first other network device containing a reference to the connection, the call processing module is adapted to establish a media path between the network device and the second other network device (column 6, lines 52-67).

Regarding **claim(s) 9 and 40**, Shtivelman discloses a network device wherein the call processing module is adapted to send the first message to the first other network device upon a user input from a user at the network device hanging up or pressing a transfer key, the first message being sent before or after the media path between the network device and the second other network device is established (column 6, lines 52-67).

Regarding **claim(s) 10 and 41**, Shtivelman discloses a network device wherein the call processing module is further adapted to process another call from the network

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device to a first network device other than the network device; the call processing module being further adapted to participate in a call transfer of the other call by: a) responding to a message from the first network device to be placed on hold with a message accepting the hold (column 7, lines 1-12); b) responding to a message from the first network device containing a reference to a second network device other than the network device and the first network device by sending a message to the second network device containing a reference to the first network device so as to initiate setting up a connection from the network device to the second network device (column 7, lines 13-24).

Regarding **claim(s) 11 and 42**, Shtivelman discloses a network device wherein the a call processing module is further adapted to participate in a call transfer of an other call from a first network device other than the network device to a second network device other than the network device and the first network device by: a) responding to a message from the second network device initiating a connection between the network device and the second network device by sending a message indicating that the connection has been initiated (column 7, lines 25-44); and b) responding to a message from the first network device containing a reference to the second network device by replacing the connection between the network device and the second network device with another connection between the network device and the first network device (column 7, lines 25-44).

Regarding **claim(s) 12 and 43**, Shtivelman discloses a network device wherein the network device is one of a telephone, a video phone, a PDA, a soft phone, a wireless device, a wireless telephone, and a cell phone (column 6, lines 52-67).

Regarding **claim(s) 13**, Shtivelman discloses a network device wherein the network device is a VoIP telephone (column 7, lines 25-44).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner
Art Unit 2614

GG
November 5, 2007